Remarks

The Applicant thanks the Office for the careful consideration given the present application in the original Detailed Action in this case. With the foregoing amendments and the ensuing remarks, the Applicant has endeavored to respond most properly to each of the points raised by the Office to ensure that the specification and claims now presented are allowable in all respects. With this in mind, the Applicant respectfully requests that the Office review and allow the current specification and claims.

In brief summary, the present application was filed with 91 claims in total with claims 1, 32, and 63 standing independently. Claims 5, 8, 64, and 66 have been canceled thereby leaving claims 1-4, 6, 7, 9-63, 65, and 67-91 pending for consideration.

Specification

In the Detailed Action, the Office objected to the specification as including embedded hyperlinks and/or other forms of browser-executable code. Pursuant to MPEP 608.01, the Office required the deletion of the same.

In response, the Applicant has reviewed the entire specification and has located and replaced each paragraph containing objectionable browser-executable code. It is noted, however, that the specification include mock and temporary email addresses at page 16, line 5, and page 35, line 29, which could be considered browser-executable code. In each case, the address represents part of Applicant's invention and are not meant to function as active links. Pursuant to MPEP 608.01(VII), where hyperlinks or other forms of browser-executable codes "are directed are part of applicant's

invention and it is necessary to have them included in the patent application in order to comply with the requirements of 35 U.S.C. 112, first paragraph, and applicant does not intend to have these hyperlinks be active links, examiners should not object to these hyperlinks."

In light of the foregoing, it is submitted that the specification is no longer objectionable in this regard, and the Office's reconsideration and allowance are respectfully requested.

Claim Rejections - 35 U.S.C § 112

The Office rejected claims 1-91 under 35 U.S.C § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office noted that claim 1 specifies "providing a wireless communication receiving unit for being retained relative to a second mobile body wherein the wireless communication sending unit comprises means for receiving the signal emitted by the wireless communication sending unit" and that it was unclear why the sending unit comprises means for receiving the signal it emits and if the sending unit does not receive the signal it emits then why is Applicant differentiating between the receiving unit and the sending unit. The same issue was noted in relation to claims 32 and 63.

In response, the Applicant has amended each of claims 1, 32, and 63 to make clear that it is the "wireless communication receiving unit" and not the "wireless communication sending unit" that comprises "a means for receiving the signal emitted by the wireless communication sending unit". With these amendments, it is believed that the claims now comply with Section 112 in all respects. Their favorable reconsideration is respectfully requested.

Claim Rejections – 35 USC § 103

With respect to the patentability of the claims, the Office rejected Claims 1-12, 19-50, 57-70, and 77-91 as being unpatentable over U.S. Patent No. 6,539,393 to Kabala in combination with U.S. Patent No. RE37,531 to Chaco et al. Claims 13-18, 51-56, and 71-76 were determined to be obvious based on the combined references of Kabala, Chaco '531, and U.S. Patent No. 5,465,082 to Chaco.

It is, of course, well settled that a proper obviousness analysis requires that one consider the entire claim as a whole and that one compare the claimed invention to the disclosures of the prior art. The prior art reference or references must render *all* of the claim limitations obvious. See, e.g., MPEP § 706.02(j); In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). As emphasized in the Office's Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc.[1], a proper rejection under 35 U.S.C. 103 must have a "clear articulation of the reason(s) why the claimed invention would have been obvious." Id. at 57528. Mere conclusory statements cannot properly support an obviousness rejection, which must instead be founded on "'articulated reasoning with some rational underpinning'". Id. at 57528-9[2].

In the present case, it is respectfully submitted that the properly interpreted prior art fails to render all of the claim limitations of independent claims 1, 31, and 63 obvious as a proper obviousness rejection demands. Particularly as they have been amended herewith, independent claims 1, 31, and 63 patentably define over the cited references, even when combined. It is further

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1 Federal Register, Vol. 72, No. 195, p. 57526-57535, October 10, 2007.
2 *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 127 S. Ct. 1727 (2007) (citing *In re Kahn*, 441 F.3d 977, 988,

submitted that each dependent claim is allowable not only because it depends from an allowable base claim but also because each adds patentable limitation thereto.

In U.S. Patent No. 6,539,393 for a "Portable Locator System", Kabala seeks to collect location data at a central processor by sending location signals regarding badges from "spacially dispersed" transceivers to the central processor. Kabala teaches the use of "a central processor, a plurality of portable transceivers, and a plurality of portable badges." Col. 3, lines 49-50. Each transceiver in Kabala "includes an infrared receiver for receiving transmissions of the ID codes from badges ... ." Col. 3, lines 52-55. "The portable TMs [transceiver modules] 214 and 222 relay information received from cart transceivers 219 or 224 to the LAN based TMs." Col. 7, lines 17-19. "Each transceiver module includes an infrared receiver to receive infrared transmissions from portable badges for locating individuals wearing portable badges." Col. 7, lines 40-43.

Chaco et al.'s U.S. Patent No. RE37,531 merely disclose a "System for Identifying Object Locations". To facilitate that locating of objects, a "[b]adge 20 and bracelet 22" are retained relative to "facility personnel 31, 32" and to "object 30". The badge and bracelet "transmit signals including an individually unique identification" that is received by a "proximal receiver and the receiver in turn communicates the received information to the central computer 10." Col. 3, lines 20-28.

It will be appreciated, therefore, that the object of each of Kabala and Chaco et al. is merely the acquiring of position data and the relaying of the same to a central processor for recording, analysis, and, ultimately, exploitation. Position information is acquired in the field and flows to a central processor.

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78 USPQ2d 1329, 1336 (Fed. Cir. 2006)).

The present invention departs from the teachings of the prior art in that it is operable under essentially the opposite premise; information regarding a mobile body retaining a sending unit flows from a central processor to a receiving unit in the field.[3] When a mobile body, such as a first person, retaining a sending unit comes into a given proximity with a mobile body, such as a second person, retaining a receiving unit, information regarding the first person is sent to the receiving unit, and thus to the second person, from the central server. In one embodiment of the inventive system, persons, such as trade show exhibitors, can acquire information regarding persons approaching his or her booth and can exploit the same. Such an advantage is neither contemplated nor possible under the teachings of Kabala and Chaco et al. Each of Applicant's independent claims now clearly sets forth limitations that enable the foregoing retrieval and dissemination of information in a manner that cannot properly be said to be taught or suggested by the cited disclosures nor any obvious combination or modification thereof.

Claim 1 requires, *inter alia*, that a "central server retains information regarding the first mobile body" and that information regarding the first mobile body can be sent to and displayed on a display screen of a receiving unit retained by a second mobile body "in response to a receipt of a signal from the wireless communication sending unit retained by the first mobile body by the wireless communication receiving unit". Neither Kabala nor Chaco et al. disclose having a receiving unit receive a signal from a sending unit and then having a central server send information regarding a first mobile body retaining the sending unit to the receiving unit for display on a display screen for viewing by a second mobile body, such as a person. Indeed, the prior art would most

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3 Of course, it should be noted that acquiring, analyzing, and exploiting position and movement data is additionally possible and contemplated under embodiments of Applicant's invention.

properly be interpreted as teaching *away* from Applicant's claimed sending of information to a receiving unit regarding a mobile body retaining a sending unit from a central server. As such, it is respectfully submitted that the invention of amended claim 1 is not obvious in light of even the combined prior art.

Amended claim 32 even more particularly claims a method for wireless information retrieval regarding persons and for disseminating content based on retrieved information. In so doing, claim 32 specifies a method requiring plural sending units, each for being retained by a person about whom information is to be retrieved, and plural receiving units, each for being retained by a person who is to receive information, and enabling "a transmission of information to a given wireless communication receiving unit regarding a person retaining a wireless communication sending unit in response to a receipt of a signal from the wireless communication sending unit retained by that person by the wireless communication receiving unit receiving the signal." Claim 32 further specifies that each receiving unit "has a display screen for enabling a display of transmitted information regarding persons retaining wireless communication sending units" and that "information received regarding the person retaining the wireless communication sending unit" is displayed "on the display screen of the wireless communication receiving unit". The cited references cannot in fairness be applied to teach or suggest such a method for information retrieval and dissemination. For example, neither Kabala nor Chaco et al. would suggest to one skilled in the art to transmit information regarding a first mobile body that has come into proximity with a second mobile body for display on a receiving unit retained by the second mobile body.

Likewise, independent claim 63 enjoys patentability since it claims an information retrieval

and content dissemination system where a "central server retains information regarding the first mobile body and an identifying association between the wireless communication sending unit and the first mobile body" and where a means is provided "for transmitting information regarding the first mobile body retaining the wireless communication sending unit to the wireless communication receiving unit in response to a receipt of a signal from the wireless communication sending unit retained by the first mobile body by the wireless communication receiving unit". Such an arrangement is simply not found or rendered obvious by the prior art. Even further ensuring the patentability of claim 63 is its requirement of a display screen on the receiving unit and a "means for displaying information received regarding the first mobile body retaining the wireless communication sending unit on the display screen of the wireless communication receiving unit." Nothing in the prior art can properly be interpreted to prevent the patentability of such an arrangement.

In relation to Applicant's claims, it should be made of record that the terms "access point", "local area network", and the like should not be interpreted as being limited to any specific type of wireless communication technology. Except where the claims are specifically limited, the claims should be read and interpreted to cover all types of wireless communication that may now exist or hereafter be developed.

Applicant's remaining dependent claims enjoy allowability even beyond their allowable base claims in that each adds patentable limitation thereto. By way of example and not limitation, claim 3 adds the step of receiving a signal from the sending unit by the receiving unit when the sending unit is in a given proximity to the receiving unit thereby enabling a determination of whether the units

are in proximity. Claims 20 and 35 enjoy added patentability since they further demand a "means for enabling a request for additional information regarding the first mobile body from the central server", which is nowhere found in Kabala or Chaco et al. There is no corresponding structure or method in the prior art that would teach or suggest enabling a person retaining a mobile receiving unit to issue a request for further information regarding a person retaining a sending unit. Even more clearly, the cited art fails to teach or suggest enabling one to request an image as claims 21 and 36 specify.

Similarly, it would be error to conclude that the prior art renders obvious initiating an automatic request for additional information based on a predetermined condition, such as "a receipt of periodic signals from the wireless communication sending unit for a continuous predetermined time as claims 22 and 23, 37 and 38, and 77 and 78 require. The automatic request based on the unit's "coming within [a] predetermined approximate range" as claims 24, 39, and 79 specify also adds patentability, and the specification in claims 25, 40, and 80 of first and second distance ranges with first and second periodic signals even more clearly cannot be found in the cited references. Also, enabling a selective ignoring of signals from a selected sending unit as claims 30, 45, and 85 demand is simply not taught by any cited reference. Furthermore, providing an alert when a selected sending unit comes into proximity is not disclosed in the cited art such that claims 31, 46, and 86 enjoy independent patentability.

Further still, enabling a recording to the central server of information relating to a person retaining a wireless communication sending unit by a person retaining a wireless communication receiving unit as claim 57 requires cannot properly be said to be found in the prior art. Providing a

scoring of levels of correlation between parameters established by a person retaining a wireless communication receiving unit and characteristics of a person retaining a wireless communication sending unit as claims 58 and 87 demand is also not disclosed or suggested.

Conclusion

Because the prior art fails to render the claimed invention obvious, the Applicant most respectfully submits that the claims now presented are patentable. Accordingly, the Office's reconsideration and allowance of the specification and claims 1-4, 6, 7, 9-63, 65, and 67-91 are respectfully requested.

The Applicant believes that all issues raised in the Detailed Action have been responded to fully. However, if, after consideration of the above amendments and comments, there remain any open issues in this application that possibly can be resolved by a telephone interview, then the Applicant's undersigned attorney most respectfully requests that he be called to discuss and attempt to resolve those issues.

January 7, 2008

Respectfully submitted,

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January 7, 2008
Date